

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RALPHFIELD HUDSON,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

ORDER

07-cv-355-bbc

This is a civil action brought under the Federal Tort Claims Act, 28 U.S.C. §§ 2671-1680, in which plaintiff Ralphfield Hudson alleges that medical personnel at the Federal Correctional Institution in Oxford, Wisconsin, failed to provide him with medication in a dose that was adequate to control his seizure condition. On March 26, 2009, defendant moved for summary judgment. A briefing schedule was established under which plaintiff has until April 27, 2009, in which to file opposing papers. Now, however, plaintiff has filed a document titled "Plaintiff's Motion to Amend the Pleadings and Stay of Summary Judgment."

In his motion, plaintiff appears to be challenging certain of the facts proposed by the defendant in its proposed findings of fact in support of its motion for summary judgment.

Nowhere in his motion does he argue that amendment of complaint is necessary or appropriate at this late date. Moreover, plaintiff does not explain why he believes it may be necessary to stay the schedule for briefing defendant's motion for summary judgment. Defendant has proposed 36 facts addressing the merits of plaintiff's allegations of wrongdoing. If plaintiff believes any one or more of defendant's factual statements are inaccurate, he is free to put the fact into dispute by responding to those statements with evidence to support his position and in the manner provided in this court's Procedures to be Followed on Motions for Summary Judgment, a copy of which was sent to plaintiff with the court's briefing schedule.

Because plaintiff has suggested no reason why he needs to amend his complaint or why the deadline for filing his response to defendant's motion should not stand, his motion "to amend the pleadings and stay of summary judgment" will be denied.

ORDER

IT IS ORDERED that plaintiff's "Motion to Amend the Pleadings and Stay of

Summary Judgment” (dkt. #46) is DENIED.

Entered this 10th day of April, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge